

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

STATE OF CALIFORNIA Department of Health Services Tobacco Control Section

FFY 2007

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention

www.samhsa.gov



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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2005 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2007 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2006. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20850

FFY 2007: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.
SYNAR SURVEY SAMPLING METHODOLOGY
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.
SYNAR SURVEY INSPECTION PROTOCOL
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2007 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: California
Name of Chief Executive Officer or Designee: KIMBERLY BELSHÉ
Signature of CEO or Designee:
Title: <u>Secretary, CA Health & Human Services Agency</u> Date Signed: _____
If signed by a designee, a copy of the designation must be attached

SECTION I: FFY 2005 (Compliance Progress)**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change (check all that apply):

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Other change(s) (please describe): _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change (check all that apply):

☐ Total ban enacted

☐ Banned from location(s) accessible to youth

☐ Locking device or supervision required

☐ Other change(s) (please describe): _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)**

☐ Placed on file for public review

☐ Posted on a State agency Web site (Specify Web site location: _____)

☐ Notice published in a newspaper or newsletter

☐ Public hearing

☐ Announced in a news release, a press conference, or discussed in a media interview

- ☒ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) (*please describe*): _____

The Department of Alcohol and Drug Programs (ADP) manages delivery of the Substance Abuse Prevention and Treatment Block Grant Program through California's 58 counties. ADP works with the County Alcohol and Drug Program Administrators' Association of California to advance substance abuse prevention and discuss emerging issues, including the Synar report data and interventions to reduce illegal tobacco sales to youth.

3. Identify the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

a. The State agency(s) designated by the Governor for oversight of the Synar requirements:

The California Department of Health Services (CDHS) is assigned statutory responsibility to implement the Synar Amendment via Business and Professions (B&P) Code Section 22950-22963, the Stop Tobacco Access to Kids Enforcement (STAKE) Act of 1994.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(s) responsible for conducting random, unannounced Synar inspections:

CDHS has an Interagency Agreement with the Behavioral Health Institute (BHI) of the San Diego State University Foundation, a nonprofit educational corporation organized under the laws of the State of California, to conduct the annual random, unannounced inspections of tobacco outlets.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(s) responsible for enforcing youth tobacco access law(s):

CDHS, Food and Drug Branch (FDB) is the statewide enforcement agency responsible for enforcing the STAKE Act. Local law enforcement agencies are responsible for enforcing other tobacco control laws, including Penal Code (PC) Section 308(a), illegal tobacco sales to minors.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(s) responsible for tobacco prevention control activities.

CDHS, Tobacco Control Program (TCS) is responsible for administering California's

statewide tobacco prevention and control activities as authorized in Health and Safety Code Part 3, Chapter 1, Section 104350, to comply with Proposition 99, the Tobacco Tax and Health Protection Act of 1988.

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (*check all that apply*):

- ☒ Are the same
- ☐ Have a formal written memorandum of agreement
- ☐ Have an informal partnership
- ☐ Conduct joint planning activities
- ☐ Combine resources
- ☐ Have other collaborative arrangement(s) (*please describe*): _____

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☐ Enforcement is conducted exclusively by State agency(s).
- ☒ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	If Available	
				OWNERS	CLERKS
Number of <u>citations issued</u>			663 ¹	663	
Number of <u>finest assessed</u>		<input type="checkbox"/>	663 ¹		
Number of <u>permits/licenses suspended</u>	<input type="checkbox"/>	<input type="checkbox"/>	114 ²		
Number of <u>permits/licenses revoked</u>	<input type="checkbox"/>	<input type="checkbox"/>	0		
<p>Other (please describe): ¹Reflects only those civil penalties assessed by CDHS. Citations and fines assessed by over 2,000 local enforcement agencies are not reported to any state agency and therefore are not available.</p> <p>²Assessed by the Board of Equalization (BOE) for non-compliance with state licensing statutes. All suspensions were for reasons other than tobacco sales to minors. Tobacco retail license suspensions and revocations done by local jurisdictions are not tracked by any state agency.</p>					

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- ☒ Community education regarding youth access laws

- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☒ Other activities (*please list*): Collaboration with the Attorney General's Office (AG), Tobacco Litigation Unit; Collaboration with BOE, Tobacco Licensing Program; Collaboration with the State Department of Alcoholic Beverage Control (ABC); and Evaluation and Surveillance Activities.

Briefly describe all checked activities:

Merchant Education and/or Training

CDHS/TCS uses a multi-faceted, multi-agency, coordinated approach to educate California tobacco retailers about youth access laws. This includes dissemination of a tobacco retail education PowerPoint training created in 2005 titled, *Stop Tobacco Sales to Youth: California Retailers and Youth Tobacco Laws*. It includes an introductory letter to retailers and a clerk quiz. This training tool is accessible to the public on the CDHS/TCS website at:

<http://www.dhs.ca.gov/tobacco/documents/RetailerPresentation.pdf>

CDHS/TCS also develops and provides educational materials. These materials are used to conduct merchant education, training, and inspections at the local and regional level. Approximately 132,584 pieces of educational materials were distributed to retailers, local and state law enforcement agencies, local health departments, community based organizations, and tobacco companies between August 2005 and July 2006. Educational materials disseminated to retailers, local and state law enforcement agencies, local health departments, and community based organizations included a brochure titled, *Tobacco Control Laws That Affect Retail Businesses*. In 2006, CDHS/TCS distributed 500 STAKE Act Information Kits to the State Board of Equalization upon request for distribution to retailers applying for or renewing their licenses. The Kit includes the above-mentioned brochure.

The CDHS/FDB STAKE Act Enforcement Unit also conducts merchant education by mailing youth access law compliance requirement letters to STAKE Act violators. Approximately 750 letters were mailed to tobacco retailers in fiscal year 2005-06. During FFY 2007 the STAKE Act Enforcement Unit will continue to conduct undercover on-site tobacco retailer inspections using teen-aged decoys as mandated. The STAKE Act investigators conduct over 2,000 inspections annually. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number hotline by concerned citizens. At the time of inspection educational materials about California's tobacco retail laws are left with store personnel or referred to the Tobacco Education Clearinghouse of California.

Incentives for merchants who are in compliance:

All of the 61 local county and city health departments and many of the competitive grantees funded by CDHS/TCS utilize various interventions to reduce youth access to tobacco and encourage enforcement of tobacco laws affecting retailers. Numerous programs engage in various forms of merchant incentives, including retailer public recognition for compliance via press releases, plaques, store signage and sticker campaigns, and “report card” programs highlighting youth access law compliance. In addition, CDHS/FDB mailed “appreciation” letters to 300 retailers, congratulating them for their compliance during STAKE Act undercover enforcement inspections.

Community education regarding youth access laws:

CDHS/TCS developed and placed outdoor convenience store advertising that contained messages targeting retailers and the public which promoted the STAKE Act mandated toll-free complaint line. The complaint line received 549 calls from the public reporting possible illegal tobacco sales to youth.

The convenience store ads were placed February through June 2006 in California’s five largest media markets (Los Angeles; San Francisco/Oakland/San Jose; Sacramento/Stockton/Modesto; San Diego; and Fresno/Visalia). Ads were displayed in 1,268 total locations per month, including Doughnut/Liquor/Deli, Grocery Stores/Markets, and Pharmacy locations. Advertising areas were selected by their high non-compliance rates. Specific locations within these areas were selected using zip code analysis based on their ability to reach the 25-54 year-old target market.

Media use to publicize compliance inspection results:

The results of the annual 2006 scientific youth tobacco purchase survey were publicly released by CDHS/TCS via a news release in August, 2006. Local county health departments regularly release the results of their local youth tobacco purchase surveys, resulting in media coverage on the issue throughout the state. Because the statewide rate of illegal tobacco sales to minors is 13 percent or greater in 2006, convictions for tobacco sales to minors may count against the retailer’s state tobacco license pursuant to Business and Professions Code 22974.8. As a result, public relations efforts will be used to assist in the education of store owners and employees in FFY 2007.

Community mobilization to increase support for retailer compliance with youth access laws:

CDHS/TCS-funded contractors conduct various educational and policy related interventions to reduce youth access to tobacco. Of the 61 local health departments’ three-year comprehensive tobacco control plans (2004-07), 37 include conducting of merchant education activities, 30 include conducting local

youth tobacco purchase surveys, four include conducting law enforcement training, and 25 include conducting policy campaigns aimed at the following topic areas: local tobacco retail licensing, eliminating self-service tobacco displays, eliminating free tobacco product sampling, requiring conditional use permits, and pharmacy restrictions on selling tobacco. In addition, 12 competitive grantees are currently implementing educational and/or policy related interventions addressing these topic areas. As of July 2006, 214 counties and municipalities in California have passed ordinances addressing youth access to tobacco, including 54 for local tobacco retail licensing.

CDHS/TCS, in collaboration with its Point of Sales Practices Workgroup, coordinates statewide technical assistance and skills building trainings for CDHS/TCS-funded projects working on reducing tobacco availability at the local level. In 2005-06, six technical assistance trainings addressing retailer licensing and enforcement of retail tobacco control laws were provided.

Collaboration with the AG:

The AG's office provides CDHS/TCS with expert review of merchant education resources and offers valuable input into the development of statewide strategies to reduce sales to minors and facilitate the adjudication of sales to minors and STAKE Act convictions. CDHS/TCS continues to work with the AG's office to improve the accuracy of education and information disseminated by the Council for Responsible Retailing related to California STAKE Act requirements for posting age-of-sale warning signs. The AG's office provides CDHS/TCS with updates about new and existing multi-state Assurances of Voluntary Compliance (AVCs) agreements with businesses in California, including tobacco manufacturers. A total of eight AVC agreements are now in place covering more than 73,000 retail outlets nationwide.

Collaboration with BOE:

CDHS/TCS annually notifies BOE of the statewide rate of illegal tobacco sales to minors and CDHS/FDB provides BOE with adjudicated STAKE Act violation data on a quarterly basis in order to facilitate tobacco retailer license suspension and revocation requirements of the Cigarette and Tobacco Products Licensing Act of 2003 (B&P Code commencing with Section 22970). CDHS/TCS also solicits expert review of merchant education materials from BOE and coordinates mass mailings of educational brochures, STAKE Act age-of-sale warning signs and order forms for merchant education materials through routine BOE mailings to retailers. In addition, BOE provides valuable input into the development of statewide strategies to strengthen retailer licensing efforts and improve enforcement of the Licensing Act.

Collaboration with ABC

CDHS/TCS solicits expert review of merchant education materials from ABC and coordinates distribution of STAKE Act age-of-sale warning signs through ABC field offices. When conducting alcohol-related inspections, ABC collects data on STAKE Act signage posting and informs CDHS of any witnessed sales to minors violations. CDHS/TCS and CDHS/FDB also periodically participate in ABC trainings for law enforcement agencies.

Evaluation and Surveillance Activities:

CDHS/TCS conducts ongoing surveillance through the California Tobacco Survey and the California Adult Tobacco Survey to monitor support for enforcement of tobacco sales to minors laws and regulatory efforts to decrease youth access to tobacco.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))**a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?**

☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.

If No, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR N/A

Weighted RVR N/A

Standard error (s.e.) of the (weighted) RVR N/A

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval. N/A

_____	+	(1.645	×	_____)	=	_____
RVR Estimate	Plus	(1.645	times	Standard Error)	equals	Right Limit

c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design) N/A

d. How were the (weighted) RVR estimate and its standard error obtained?*(Check the one that applies) N/A*

- ☐ Form 2 (Optional) in Appendix A (Forms) *(Attach completed Form 2)*
☐ Other *(Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)*

e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year? N/A

- ☐ Yes ☐ No ☐ No stratification

*If Yes, explain how this situation was dealt with in variance estimation.***f. Was a cluster sample design used? N/A**

- ☐ Yes ☐ No

*If No, go to Question 7g.**If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:***Were any certainty primary sampling units selected this year? N/A**

- ☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

g. Report the following outlet sample sizes for the Synar survey. N/A

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

h. Fill out Form 4 in Appendix A (Forms). N/A**SSES Table 1 (Synar Survey Estimates and Sample Sizes)****CSAP-SYNAR REPORT**

State	California
Federal Fiscal Year (FFY)	2007
Date	6/30/2006 10:12
Data	testsses2006.xls
Analysis Option	Stratified SRS without FPC

Estimates

Unweighted Retailer Violation Rate	13.2%
Weighted Retailer Violation Rate	13.2%
Standard Error	1.3%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 15.3%]
Two-sided 95% Confidence Interval	[10.7%, 15.7%]
Design Effect	1.0
Accuracy Rate (unweighted)	79.0%
Accuracy Rate (weighted)	79.0%
Completion Rate (unweighted)	99.4%

Sample Size for Current Year

Effective Sample Size	683
Target (Minimum) Sample Size	683
Original Sample Size	895
Eligible Sample Size	707
Final Sample Size	703
Overall Sampling Rate	2.1%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)STATE:
California
FFY: 2007

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
1	1	42,000	33,178	N/A	N/A	895	707	703	93	13.2%	
Total		42,000	33,178			895	707	703	93	13.2%	1.3%
Over the Counter Outlets											
1	1	42,000	33,178	N/A	N/A	895	707	703	93	13.2%	
Total		42,000	33,178			895	707	703	93	13.2%	1.3%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: California

FFY: 2007

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	703	
Total (Eligible Completes)			703
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	0	
N3	Presence of police	1	
N4	Youth inspector knows salesperson	1	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	2	
N8	Run out of time	0	
N9	Other noncompletion (see below)	0	
Total (Eligible Noncompletes)			4
I1	Out of Business	23	
I2	Does not sell tobacco products	86	
I3	Inaccessible by youth	2	
I4	Private club or private residence	40	
I5	Temporary closure	1	
I6	Unlocatable	36	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			188
Grand Total			895

Give reasons and counts for other noncompletion:

Reason	Count
N/A	

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE:
California
FFY: 2007

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	15	210	13
	16	12	145	25
	17	0	0	0
	18	0	0	0
	Subtotal	27	355	38
Female	14	0	0	0
	15	14	148	24
	16	20	200	31
	17	0	0	0
	18	0	0	0
	Subtotal	34	348	55
Other		0	0	0
Grand Total		61	703	93

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	6.2%	16.2%	10.3%
16	17.2%	15.5%	16.2%
17	0.0%	0.0%	0.0%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	10.7%	15.8%	13.2%

8. Did the State's Synar survey use a list frame?

☒ Yes ☐ No

If Yes, answer the following questions about its coverage:

a. The calendar year of the latest frame coverage study: None, cost prohibitive. A sampling protocol was approved by CSAP in December 2004. A revised sampling plan has been developed, but the California Department of Health Services has concerns about the costs to meet SAMHSA's new requirements for conducting a baseline frame coverage study.

b. Percent coverage from the latest frame coverage study: N/A

- c. Was a new study conducted in this reporting period? ☐ Yes ☒ No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

- d. The calendar year of the next coverage study planned: 2008

9. Has the Synar survey inspection protocol changed from the previous year?

- ☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

- a. Provide the inspection period: From: 4/1/2006 To: 6/28/2006
MM/DD/YY MM/DD/YY

- b. Provide the number of youth inspectors used in the current inspection year:

61.

- c. Fill out and attach Form 5 in Appendix A (Forms). (Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

N/A

SECTION II: FFY 2007 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2007. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

Plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2007:

Reducing illegal tobacco sales to minors is a major effort of California's Tobacco Control Program. Multi-year funding is provided to 61 local health departments, all of which are required to address reducing tobacco access to minors in their comprehensive tobacco control plans. Additionally, funds are made available to non-profit competitive grantees to address illegal tobacco sales to minors through a competitive grant process. In the last year several jurisdictions that have passed local retailer licensing policies have documented significant reductions in illegal sales rates. This trend is anticipated to continue. In FFY 2007, CDHS/TCS will continue to focus on development of local tobacco retail licensing policies which incorporate license fees earmarked for enforcement of youth access laws. This will be done through the provision of technical assistance teleconferences, training, materials development, and promotion of the STORE Campaign (Strategic Tobacco Retail Effort) website and online tools. This website, which was launched in 2001, provides a one-stop shopping electronic toolbox of advertisements, case studies, checklists, enforcement guidelines, merchant education materials, PowerPoint presentations, sample forms, sample letters, sample opinion editorials, survey instruments, and protocols, etc., aimed at assisting CDHS/TCS contractors to strategically address the retail sale and marketing of tobacco.

As a component of a CDHS/TCS long-term plan to develop a comprehensive and sophisticated web portal system, plans to increase the functionality of the STORE website will be drafted. The Technical Assistance Legal Center (TALC), a

CDHS/TCS-funded agency, revised its model licensing ordinance which provides a template for the funded projects to use locally in developing their policies. TALC will continue to train CDHS/TCS-funded projects on retailer licensing, policies to reduce tobacco availability in local communities around the state. CDHS/TCS also continues to fund the California Youth Advocacy Network, a statewide multi-year project, to conduct an advocacy campaign promoting local tobacco retail licensing, and The Center for Tobacco Policy and Organizing. The Center for Tobacco Policy and Organizing provides technical assistance and hands-on training to CDHS/TCS-funded projects conducting community organizing activities and youth access related policy work at the local level. CDHS/TCS will continue to develop and provide state-of-the-art educational materials and will continue to utilize advertising and incorporate public relation strategies aimed at reducing tobacco sales to minors.

Plans for law enforcement efforts to enforce youth tobacco access laws:

During FFY 2007 the CDHS/FDB STAKE Act Enforcement Unit will continue to conduct undercover on-site inspections at tobacco retailers using teen-aged decoys as mandated. The STAKE Act's 13 investigators conduct more than 2,000 inspections annually throughout the state. Stores checked for compliance are selected on a random basis within a given geographic area and/or in response to reports of illegal tobacco sales left on the toll-free number by concerned citizens. In addition to the statewide efforts, investigators enforce two tobacco access related ordinances under contract with the Los Angeles City Attorney's office by conducting inspections of retailers within the city of Los Angeles and reporting the results of those inspections to City officials.

Planned activities that support law enforcement efforts to enforce youth access laws:

Local tobacco control programs will continue to engage in various forms of law enforcement assistance activities, such as youth recruitment, training, violation tracking, surveillance, merchant education, and policy development. Statewide technical assistance and training will continue to be provided to law enforcement personnel to promote enforcement of PC 308(a). The PC 308(a) training manual will be updated. CDHS/TCS will continue to promote, via targeted advertising and public relations, the toll-free complaint line created for public reporting of tobacco sales to minors. In addition, technical assistance and training will continue to be provided to local programs on a regular basis, and new, tailored interventions will continue to be developed. Proposition 86, a November 2006 ballot measure to increase the California tobacco excise tax by \$2.60 per pack of cigarettes would earmark approximately \$10 million to the CDHS for tobacco-related enforcement. It is anticipated that a portion of this would be used to enhance enforcement of tobacco sales to minors laws.

Any anticipated changes in youth tobacco access legislation or regulation in the State:

Legislation requiring the licensure of manufacturers, importers and retailers of other forms of tobacco besides cigarettes was proposed in 2006. This legislation includes a

provision to repeal the sunset date of the Cigarette and Tobacco Products Licensing Act of 2003. It remains to be seen if this legislation gains enough momentum to become law.

Legislation that would prohibit Internet sales of cigarettes and smokeless tobacco to individual California residents is likely to be passed in 2006. Although this bill exempts cigars and pipe tobacco, it includes provisions to ensure that youth cannot access these products. Furthermore, this legislation would reduce circumvention of California's tobacco excise tax by prohibiting out-of-state shipping or transporting of cigarettes and smokeless tobacco directly to California consumers. This bill, if passed, would help prevent illegal tobacco sales to youth and facilitate accurate monitoring of tobacco consumption and evaluation of the impact of public health interventions.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- ☒ Limited resources for law enforcement of youth access laws
- ☐ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☒ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors
- ☐ Geographic, demographic, and logistical considerations in conducting inspections
- ☒ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☒ Other challenges (*please list*): No resources to conduct sampling frame study.
- ☐ No challenges (*please explain*): _____

Briefly describe all items checked above:

Limited resources for law enforcement of youth access laws:

The CDHS/FDB STAKE Act Enforcement Unit operates with limited staff (13 investigators statewide) within a \$1.6 million annual budget which is additionally augmented by funds collected through penalty assessment. The budget situation limits inspection capacity to 5 percent of the approximately 45,000 retailers in the state.

Limitations in the State youth tobacco access laws:

PC 308(a), a criminal law prohibiting the sale of tobacco products to minors, is enforced by local law enforcement agencies. Because the law is enforced through the criminal courts, local district attorneys are often reluctant to prosecute these cases due

to their limited time and court costs. Authority for the enforcement of STAKE Act, which is a civilly prosecuted law, is limited to CDHS.

Difficulties recruiting youth inspectors:

The recruitment of youth inspectors is an ongoing challenge for a variety of reasons: a single contractor funded to conduct youth recruitment activities statewide; conflicting youth priorities, youth age out of the program, parents who do not want their children to participate, conflicting school schedules, and small rural communities where youth are known to everyone in the community and the anonymity of the youth is compromised. In addition, the sheer size of California presents a challenge in getting full coverage through the state in recruiting youth inspectors.

Cultural factors (e.g., language barriers, young people purchasing for their elders):

Many tobacco retailers speak a language other than English, which can make communications difficult, both in the field and when retailers contact headquarters requesting information. It is also necessary that the ethnicity of youth decoys be matched with the area being inspected in order to prevent alert retailers from noticing youth who may not fit the surroundings and thereby compromise inspection operations.

APPENDIX B

STATE: CaliforniaFFY: 2007

SYNAR SURVEY SAMPLING METHODOLOGY

1. What type of sampling frame is used?

- ☒ List frame (Go to Question 2)
- ☐ Area frame (Go to Question 3)
- ☐ List-assisted area frame (Go to Question 2)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)

Use the corresponding number to indicate Type of Source in the table below:

- 1 – Statewide commercial business list 4 – Statewide retail license/permit list
 2 – Local commercial business list 5 – Statewide liquor license/permit list
 3 – Statewide tobacco license/permit list 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
BOE licensing list	3	The licensing list is provided by BOE. The Cigarette and Tobacco Products Licensing Act of 2003 (California B&P Code Section 22970-22995) requires California retailers of cigarettes and tobacco products to obtain a license from BOE in order to sell tobacco products.	The list is continually updated by BOE.

3. If an area frame is used, describe how area sampling units are defined and formed.

N/A

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?

N/A

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?

☐ Yes ☒ No

If No, please indicate the reason they are not included in the Synar survey.

☐ State law bans vending machines

☒ State law bans vending machines from locations accessible to youth

☐ State has SAMHSA approval to exempt vending machines from the survey

☐ Other (please describe): _____

5. Which category below best describes the sample design? (Check only one)

☐ Census (*STOP HERE: Appendix B is complete*)

Unstratified State-wide sample:

☒ Simple random sample (*go to Question 9*)

☐ Systematic random sample (*go to Question 6*)

☐ Single-stage cluster sample (*go to Question 8*)

☐ Multi-stage cluster sample (*go to Question 8*)

Stratified sample:

☐ Simple random sample (*go to Question 7*)

☐ Systematic random sample (*go to Question 6*)

☐ Single-stage cluster sample (*go to Question 7*)

☐ Multi-stage cluster sample (*go to Question 7*)

☐ Other (please describe and go to Question 9): _____

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

N/A

7. Provide the following information about stratification

a. Provide a full description of the strata that are created.

N/A

b. Is clustering used within the stratified sample? N/A

☐ Yes (*go to Question 8*)

☐ No (*go to Question 9*)

8. Provide the following information about clustering. N/A

- a. Provide a full description of how clusters are formed.** (*If multi-stage clusters are used, give definitions of clusters at each stage.*)

N/A

- b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

N/A

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

Effective (and also Target) sample size is determined by:

Effective sample size:

$$n_e = \frac{z_{1-\alpha/2}^2 p(1-p)}{d^2} = \frac{1.96^2 \times 0.20 \times (1-0.20)}{0.03^2} \approx 683$$

where,

$z_{1-\alpha/2} = 1.96$, which is $100(1-\alpha/2)$ percentile of the standard normal distribution with $\alpha = 0.05$,

p = target illegal sales rate of 0.2,

d = desired precision of 0.03 with respect to the two-sided 95% confidence interval.

The original sample size is then given by

$$n_o = \frac{n_e}{r_l r_c},$$

where r_l is an estimated eligibility rate and r_c is an estimated completion rate.

APPENDIX C

STATE: CaliforniaFFY: 2007

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

b. Youth inspectors to carry ID?

- ☐ Required ☒ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

c. Adult inspectors to enter the outlet?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

d. Youth inspectors to be compensated?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- ☐ Law enforcement agency(s)
☒ State or local government agency(s) other than law enforcement
☐ Private contractor(s)
☐ Other

List the agency name(s): San Diego State University Foundation
 Behavioral Health Institute (BHI)

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☐ Always ☐ Usually ☐ Sometimes ☐ Rarely ☒ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

CDHS/TCS entered into an Interagency Agreement with BHI of the San Diego State University Foundation to conduct the survey. BHI has substantial experience with conducting youth tobacco purchase surveys. Their responsibilities include: verification of stores, finalizing the survey instrument, recruitment of youth, training of youth and research assistants, conducting the survey, and entering the data.

BHI provided youth participants 1½ hours of training prior to participation in the youth tobacco purchase survey using a standardized training protocol. All youth-identifying data was kept confidential to protect the safety and identity of the youth. Youth were trained with a standardized training protocol.

BHI hired several adult research assistants to conduct the youth tobacco purchase survey in Southern California to augment their staff. The research assistants attended a 2-hour training session prior to conducting fieldwork. At the first store site, the research assistants were observed by BHI staff to ensure that the survey procedures were properly followed. Adult supervisors were trained with a standardized training protocol.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☒ Yes ☐ No (If Yes, please describe):

Minors' immunity from prosecution for survey and enforcement participation is granted in the language of the STAKE Act.

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ Yes ☐ No (If Yes, please describe):

The safety of minors involved in all STAKE Act enforcement and survey inspection operations is of the utmost concern to all supervising adults and enforcement agents. The safety protocol used by BHI is as follows:

Youth are never sent into potentially volatile or dangerous situations. If adults or youth find themselves in an "uncomfortable" or "confrontational" situation while in a store or neighborhood, they are to exit the area immediately. No one is to confront a store clerk or customer for any reason. Youth are to report

"uncomfortable" situations immediately to the accompanying adult.

All participants are instructed to wear seat belts while traveling in a car. Doors should be locked, and every effort made to act in a safety-conscious manner at all times. Adults are to be cautious drivers and obey all traffic rules. Participants should not jaywalk across streets or walk against red traffic lights.

Each accompanying adult is to carry a letter from CDHS verifying the legitimacy of the surveying activities. In addition, adults are required to carry the phone number of a BHI staff member who can be reached during the purchase attempt activities should a problem arise.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☒ **Yes** ☐ **No** (*If Yes, please describe*):

STAKE Act requires using 15 or 16 year old youth in inspections.

b. Procedural ☐ **Yes** ☒ **No** (*If Yes, please describe*):